

May 19, 2004

ROBERT SMITH
101 MILWAUKEE BLVD S
PACIFIC WA 98047

Subject: Complaint Filed Against Citizens for Accountable Government committee – PDC Case No. 04-020

Dear Mr. Smith:

The staff of the Public Disclosure Commission (PDC) has completed its investigation of your complaint received July 9, 2003, alleging that during the 2001 special election in the City of Pacific, a group called Citizens for Accountable Government failed to properly register and report its campaign activities, in violation of chapter 42.17 RCW. In addition, you alleged that Paula Cook was “visibly active with this campaign” and was, therefore, responsible for the committee’s activities.

The PDC staff reviewed your allegations in light of the following statutes and administrative rules:

RCW 42.17.040 requires every political committee, within two weeks after its organization or, within two weeks after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, to file a statement of organization;

RCW 42.17.080 and 42.17.090 require that contributions and expenditures of political committees be properly identified and reported.

You alleged that Citizens for Accountable Government failed to properly register and report its campaign activities in opposition to Proposition 1.

We found the following:

- In spring of 2001, a flier stating, “*Attention: Pacific Residents, Special Election: Tuesday, April 24, 2001, Vote No on Proposition One*”, was mailed to an undetermined number of City of Pacific residents. The one page, two-sided flier detailed the unnamed writer’s or writers’ opposition to an April 24, 2001 ballot proposition proposing to change the City of Pacific’s form of government.

- The flier did not contain any solicitations for contributions, nor did it name any supporters of its cause or identify an author, other than listing a return address of “*Citizens for Accountable Government, PMB 126, 3930 ‘A’ Street SE, Suite 305, Auburn, Washington 98002.*” Due to an obscured postmark, PDC staff could not determine the date when the newsletter was sent.
- By way of background, in the spring of 2001, an inquiry that was not a formal complaint was received by the PDC about a newsletter sent to an undetermined number of residents in the City of Pacific urging them to vote “no” on Proposition 1 on April 24, 2001. The newsletter said it was sent by Citizens for Accountable Government, PMB 126, 3930 ‘A’ Street SE, Suite 305, Auburn, Washington 98002.
- In response to the inquiry, PDC staff sent a letter to Citizens for Accountable Government on April 17, 2001 requesting that the committee register and report its expenditures associated with the flier. The letter also outlined the steps to report the activities on PDC form C-6 if the expenditures cost \$100 or more and was made by an individual¹. On May 3, 2001, the PDC’s letter was returned as undeliverable.
- Pursuant to a subpoena, the proprietor of “Mail It,” delivered an application and invoice for leasing PMB 126, 3930 ‘A’ Street SE, Suite 305, Auburn, Washington 98002 in April 2001. The application was not made out to Paula Cook, and the PDC was unable to locate the individual listed on the application.
- Thus, PDC staff was unable to make contact with representatives of Citizens for Accountable Government or the legal box holder for the address identified on the campaign flier in question.

You alleged that Paula Cook was “visibly active with this campaign” and was responsible for reporting the campaign activities opposing Proposition One. You provided as evidence a statement by Bernard Harrison who states that he witnessed Ms. Cook’s participation in the campaign.

We found the following:

¹ If a group of individuals pooled resources to produce and distribute the flier, the group was required to register as a political committee within two weeks of forming, and report its campaign activities on PDC reports. If an individual was responsible for the costs of printing and distributing the flier, the individual was required to report his or her expenditures on an Independent Expenditure report (PDC form C-6) within five days of spending \$100 or more.

- Bernard Harrison alleged that he saw campaign signs opposing Proposition 1, and a receipt made out to Paula Cook for the signs at Sandi's Sign Shop, a local print shop in Sumner Washington, in April of 2001. However, during an interview with PDC staff, Mr. Harrison clarified that he went to the sign shop to pick up signs for his wife's bid for the City of Pacific's council election, position number 5, prior to a November 6, 2001 election when he saw the above referenced signs. The Proposition 1 election was a special election that occurred on April 24, 2001, which was six months earlier. Thus, it appears that the signs referred to by Mr. Harrison were unrelated to Proposition 1.
- Mr. Harrison stated that the signs he saw were an endorsement from a local police union, which were small enough to be attached to signs the size of a typical yard sign. Mr. Harrison stated that the endorsement signs did not mention Proposition 1 or Citizens for Accountable Government, but stated, "endorsed by your police department." Mr. Harrison stated that he believed the endorsement signs were in opposition to Proposition 1 because he saw Ms. Cook placing these signs on candidate signs as well as other signs that specifically opposed Proposition One. However, as previously stated, the city council election occurred six months after the Proposition One special election about which Mr. Harrison attributed the endorsement activity by Ms. Cook.
- Mr. Harrison stated that he believed he saw an invoice for these endorsement signs made out to Paula Cook in April of 2001. Sandi Tolson, proprietor of Sandi's Sign Shop, stated that her shop did not produce any Proposition 1 signs or fliers in April of 2001. Ms. Tolson also stated that she did produce personal signs for Ms. Cook during that period, and the invoice was for home video surveillance signage.

You also alleged that Paula Cook demonstrated her connection to Citizens for Accountable Government by statements made by Ms. Cook at a City of Pacific council meeting.

We found the following:

- On June 16, 2003, Ms. Cook made statements during a public comment period on the topic of an article from your publication, The River City Wrapper. During Ms. Cook's comments, she stated that she worked on many campaigns including Mayor Howard Erickson's campaign, Wayne Strong's campaign, Joyce MacDonald's campaign, Sarah Casada's campaign and *"the campaign to down the city manager attempt."* At no time during the comment period did Ms. Cook state that she was a member of or affiliated with the committee Citizens for Accountable Government, or the publisher of the flier in question.
- Ms. Cook said her comments to the city council on the Proposition 1 election were only in relation to personal conversations she had with neighbors concerning her opposition to the ballot measure. She stated that she was never a member of Citizens For Accountable

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Government, nor was she involved in any committee, and did not have any information concerning who may have been involved.

Although it appears that reporting was required for the flier published and distributed under the name Citizens for Accountable Government in April of 2001, you did not provide evidence of committee members, or the correct name of the printer who printed the flier. Although a post mailbox was referenced in the flier, there is no evidence that the legal box holder, who could not be located, was involved in the campaign activity. The PDC does not condone what appears to be a failure to properly register and report campaign activities of Citizens for Accountable Government during the April 2001 election. However, we were unable to determine the identity of the individuals making up the group, and there was no evidence that Paula Cook was responsible for the group's activities. Thus, no enforcement action will be pursued.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Vice Chair of the Public Disclosure Commission, acting on behalf of the Chair, I am dismissing your complaint against the Citizens for Accountable Government committee, and Paula Cook.

Sincerely,

Vicki Rippie
Executive Director